

which subsequent application for incentive payment may be made.

(f) *Notice to applicant.* After calculating the amount of the incentive payment under paragraphs (e) through (g) of this section, the DOE Deciding Official shall then issue a written notice of the determination to the applicant—

(1) Approving the application as eligible for payment and forwarding a copy to the DOE Finance Office with a request to pay;

(2) Setting forth the calculation of the approved amount of the incentive payment; and

(3) Stating the amount of accrued energy, measured in kilowatt-hours, for each qualified renewable energy facility, if any, and the energy source for same.

(g) *Disqualification.* If the application does not meet the requirements of this part or some of the kilowatt-hours claimed in the application are disallowed as unqualified, the Deciding Official shall issue a written notice denying the application in whole or in part with an explanation of the basis for denial.

§ 451.10 Administrative appeals.

(a) In order to exhaust administrative remedies, an applicant who receives a notice denying an application in whole or in part shall appeal, on or before 45 days from date of the notice issued by the DOE Deciding Official, to the Office of Hearings and Appeals, 1000 Independence Avenue, S.W., Washington, D.C. 20585, in accordance with the procedures set forth in subpart C of 10 CFR part 1003.

(b) If an applicant does not appeal under paragraph (a) of this section, the determination of the DOE Deciding Official shall become final for DOE and judicially unreviewable.

(c) If an applicant appeals on a timely basis under paragraph (a) of this section, the decision and order of the Office of Hearings and Appeals shall be final for DOE.

(d) If the Office of Hearings and Appeals orders an incentive payment, the DOE Deciding Official shall send a copy of such order to the DOE Finance Office with a request to pay.

PART 455—GRANT PROGRAMS FOR SCHOOLS AND HOSPITALS AND BUILDINGS OWNED BY UNITS OF LOCAL GOVERNMENT AND PUBLIC CARE INSTITUTIONS

Subpart A—General Provisions

Sec.

455.1 Purpose and scope.

455.2 Definitions.

455.3 Administration of grants.

455.4 Recordkeeping.

455.5 Suspension and termination of grants.

Subpart B—State Plan Development and Approval

455.20 Contents of State Plan.

455.21 Submission and approval of State Plans and State Plan amendments.

Subpart C—Allocation of Appropriations Among the States

455.30 Allocation of funds.

455.31 Allocation formulas.

455.32 Reallocation of funds.

Subpart D—Preliminary Energy Audit and Energy Audit Grants [Reserved]

Subpart E—Technical Assistance Programs for Schools, Hospitals, Units of Local Government, and Public Care Institutions

455.60 Purpose.

455.61 Eligibility.

455.62 Contents of a technical assistance program.

455.63 Cost-effectiveness testing.

455.64 Life-cycle cost methodology.

Subpart F—Energy Conservation Measures for Schools and Hospitals

455.70 Purpose.

455.71 Eligibility.

455.72 Scope of the grant.

Subpart G—State Administrative Expenses

455.80 Purpose.

455.81 Eligibility.

455.82 Scope of the grant.

Subpart H—State Grants for Technical Assistance, Program Assistance, and Marketing

455.90 Purpose.

455.91 Eligibility.

455.92 State technical assistance awards.